

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED-ED4

2004 NOV 10 PM 4:33

CLERK
U.S. DISTRICT COURT

JUDGE NORGLE

04C 7304

MAGISTRATE JUDGE ASHMAN

CARMEN L. VILLA,

Plaintiff,

vs.

EXCALIBUR I, LLC,

Defendant.

COMPLAINT – CLASS ACTION

MATTERS COMMON TO MULTIPLE COUNTS

INTRODUCTION

DOCKETED
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1. Carmen L. Villa brings this action to secure redress against unlawful collection practices engaged in by Excalibur I, LLC (“Excalibur”). Carmen L. Villa alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”).

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §§1331, 1337 and 15 U.S.C. §1692k (FDCPA). Venue in this District is proper because defendant does business in this District and because defendant’s collection actions were taken in the District.

PARTIES

3. Plaintiff is a resident of the Northern District of Illinois.
4. Defendant Excalibur is a limited liability company chartered under New York law with offices at 3000 Marcus Avenue, Lake Success, NY 11042.
5. Excalibur is engaged in the business of buying bad debts allegedly owed by

consumers, including large amounts of purported credit card debts, for a small fraction (under 10%) of face value and enforcing the debts against the consumers.

6. Excalibur is a "debt collector" as defined in the FDCPA.

FACTS

7. In December 2003, Excalibur filed a lawsuit against Carmen L. Villa in the Circuit Court of Cook County seeking to collect a purported credit card debt originally owed to Direct Merchants Credit Card Bank. A copy of the complaint is attached as Exhibit A.

8. The claimed debt was for personal, family or household purposes, in that Carmen L. Villa has never engaged in any business.

9. The complaint had no documentation of the debt attached. Instead, it had attached a purported affidavit by an unidentified person with a largely illegible signature. A copy of this document is attached as Exhibit B;

10. The affidavit claimed "on information and belief" that "defendant(s)" owe money.

11. The complaint filed against Ms. Villa alleged that Carmen L. Villa is also known as Carmen L. Martinez. Carmen L. Villa has never been known as Carmen L. Martinez. Martinez is not her name by birth or marriage, nor has she ever been married to someone named Martinez.

12. In mid-2004, after Carmen L. Villa obtained counsel, the action was dismissed on her motion for failure to state a cause of action.

13. On information and belief, Excalibur has no contemporaneous documentation whatever of any alleged debts owed by Carmen L. Villa or any of the numerous other persons it files

lawsuits against.

14. Excalibur files dozens of lawsuits in Illinois each year. A list of recent cases is attached as Exhibit C. Excalibur also attempts to collect the debts through correspondence and telephone calls.

15. Excalibur regularly adds interest to the alleged debts.

16. Excalibur files documents which conceal the extent to which interest is included in the alleged debts.

17. Excalibur prepares an “affidavit of indebtedness” for each debt. In many or all cases, the “affidavit of indebtedness” states that the amount claimed includes no interest.

18. The document prepared with respect to Carmen L. Villa (Exhibit B) states that there is no interest included.

19. This statement is false. Much of what Excalibur was attempting to collect consists of finance charges.

20. Misstating the proportion of the debt that consists of principal and interest has several harmful effects on the debtor:

a. The debt is likely, if properly characterized, to consist of a modest amount of principal and a large amount of interest. Some judges have balked at enforcing such a debt. (Exhibit D) In any event, debtors are more likely to be willing to pay “principal” than a debt consisting largely of interest and fees, particularly years after the fact.

b. The writeoff of principal may have different tax consequences than not collecting interest. The writeoff of principal may constitute income if the debtor is solvent and the debt undisputed. Not collecting interest has no tax consequences. Debt collectors often use the threat

of adverse tax treatment as a collection device, and the misstatement magnifies the impact of such threats.

c. If the transaction is subject to state usury laws, the collection of interest on unpaid interest may be a violation. Characterizing the amount as principal disguises this violation.

d. Debt collectors frequently quote a large amount and then offer a “settlement” of x% of the amount “due.” If the quoted amount is inflated through the addition of unauthorized interest, the benefits of the “settlement” are in substantial part illusory.

COUNT I – CLASS FDCPA CLAIM

21. Carmen L. Villa incorporates ¶¶ 1-20 by reference.

22. Excalibur has repeatedly violated the FDCPA by filing lawsuits to collect purported debts knowing that it does not have any means of proving that such debts are owed or any means of obtaining such evidence.

23. Excalibur’s practice in this regard has:

- a. Injured the credit of numerous consumers, including Carmen L. Villa;
- b. Subjected such consumers to harassment and annoyance.

24. Excalibur’s practice is a deceptive practice and violates 15 U.S.C. §1692e, which provides:

§ 1692e. False or misleading representations [Section 807 of P.L.]

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .

- (2) The false representation of--**

(A) the character, amount, or legal status of any debt; . . .

(5) The threat to take any action that cannot legally be taken or that is not intended to be taken. . . .

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer. . . .

25. Excalibur's practice is also an unfair practice and violates 15 U.S.C. §1692f, which provides:

§ 1692f. Unfair practices [Section 808 of P.L.]

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. . . .

CLASS ALLEGATIONS

26. Carmen L. Villa brings this claim on behalf of a class. The class consists of all persons in Illinois against whom Excalibur has filed, prosecuted, continued the prosecution of, or threatened legal action during the preceding 12 months based on alleged credit card accounts or retail installment contracts without having in its possession the original or an image of the agreement creating the debt and either an account history or the last regular billing statement sent to the debtor.

27. Persons against whom final judgments have been entered for the amounts claimed and not set aside or reversed are not included.

28. The class members are so numerous that joinder is impracticable. On information and belief, there are more than 50 members of each class. A list of suits filed by Excalibur is attached as Exhibit A.

29. There are questions of law and fact common to the class members, which common questions predominate over any questions that affect only individual class members. The

predominant common question is whether it is an unfair practice for Excalibur to file hundreds of lawsuits in the absence of evidence to prove its claims.

30. The claims of Carmen L. Villa are typical of the claims of the class members. All are based on the same legal and factual theories.

31. Carmen L. Villa will fairly and adequately represent the interests of the class members. Carmen L. Villa has retained counsel experienced in consumer credit and debt collection abuse cases.

32. A class action is an appropriate means of adjudicating this dispute. Individual cases are not economically feasible.

WHEREFORE, Carmen L. Villa requests that the Court enter judgment in favor of Carmen L. Villa and the class and against Excalibur for:

- a. Statutory damages;
- b. Attorney's fees, litigation expenses and costs of suit;
- c. Such other or further relief as the Court deems proper.

COUNT II – CLASS FDCPA CLAIM

33. Carmen L. Villa incorporates ¶¶ 1-20 by reference.

34. The “affidavit of indebtedness” filed by Excalibur (Exhibit B) misstates the amount of the alleged debt that consists of principal and the amount that consists of interest.

35. The misstatement of the portion of the debt that constitutes interest and principal violates the FDCPA as constituting a “false, deceptive, or misleading representation or means in connection with the collection of any debt” (§1692e), a false representation of the “character” of any debt (§1692e(2)(A)), and “use of any false representation or deceptive means to

collect or attempt to collect any debt or to obtain information concerning a consumer” (§1692e(10)).

CLASS ALLEGATIONS

36. Carmen L. Villa brings this claim on behalf of a class, consisting of (a) all natural persons, wherever located, (b) from whom Excalibur sought to collect a credit card debt, (c) and listed as “interest” in any document an amount less than the unpaid finance charges imposed on the account, (d) where any collection activity occurred on or after a date one year prior to the filing of this action.

37. The class is so numerous that joinder is impracticable. On information and belief, there are more than 50 members of the class.

38. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members. The predominant common question is whether the practices of Excalibur violate the FDCPA.

39. The claims of Carmen L. Villa are typical of the claims of the class members. All are based on the same legal and factual theories.

40. Carmen L. Villa will fairly and adequately represent the interests of the class members. Carmen L. Villa has retained counsel experienced in consumer credit and debt collection abuse cases.

41. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible.

WHEREFORE, Carmen L. Villa requests that the Court enter judgment in favor of Carmen L. Villa and the class and against Excalibur for:

- a. Statutory damages;

- b. Attorney's fees, litigation expenses and costs of suit;
- c. Such other or further relief as the Court deems proper.

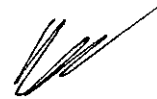


Daniel A. Edelman

Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
Tara L. Goodwin
Michelle R. Teggelaar
Francis R. Greene
EDELMAN, COMBS, LATTURNER
& GOODWIN, L.L.C.
120 S. LaSalle Street, 18th Floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

JURY DEMAND

Plaintiff demands trial by jury.



Daniel A. Edelman

EXHIBIT A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, 1ST DISTRICT

EXCALIBUR I, LLC

Plaintiff

vs.

CARMEN L VILLA
AKA CARMEN L MARTINEZ
Defendant

NO.

Amount Claimed \$ 5374.23 + costs

Return Date: 9/02/03

03MI-149024

COMPLAINT

The Plaintiff, Excalibur I, Llc, claims as follows:

1. Plaintiff, Excalibur I, Llc, is a limited liability company and the Defendant, Carmen L Villa, is a resident of Cook County, Illinois.
2. The Defendant, Carmen L Villa, opened a(n) MASTERCARD account with DIRECT MERCHANTS CREDIT CARD BANK, account number 5410581103006799
3. The Defendant, Carmen L Villa, did make purchases and charged same to the account, but the Defendant failed to make the monthly payments called for on the account. There is an account stated in the amount of \$ 5374.23. See Plaintiff's Exhibit No. 1.
4. Plaintiff, Excalibur I, Llc, is the assignee of said account from DIRECT MERCHANTS CREDIT CARD BANK having purchased said account in the regular course of business in good faith and for value.
5. The Defendant, Carmen L Villa, is in default on the account and Plaintiff, Excalibur I, Llc, demands payment of this balance.

AKA CARMEN L MARTINEZ

WHEREFORE, the Plaintiff, Excalibur I, Llc, prays for judgment against the Defendant, Carmen L Villa in the amount of \$ 5374.23 plus costs.



ATTORNEY FOR PLAINTIFF

Blatt, Hasenmiller, Leibsker & Moore - 01237
Attorney for Plaintiff
2 N. LaSalle St. Suite 900
Chicago, Illinois 60602-3702
(312) 704-9440
Ref # 1445118 COMP2

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

Handwritten:
Mas.
Roberson
9390

EXHIBIT B

STATE OF
COUNTY OF

AFFIDAVIT OF INDEBTEDNESS

The undersigned, being duly sworn, deposes and states that he/she is an employee/agent of:
EXCALIBUR I, LLC
and has knowledge of the account balance, and is duly authorized to make this affidavit.

Affiant states that the amounts shown below are taken/calculated from the original books and records of the above named plaintiff, and based on information and belief, affiant states that the amount due to
EXCALIBUR I, LLC
by
CARMEN L VILLA

for funds advanced to defendants(s) or paid to another at defendant(s) request, or for goods or services provided to defendant(s) or to another at defendant's request, is the following: on the following account(s):

CREDITOR/ACCOUNT NUMBER	PRINCIPAL + INTEREST	- PAYMENTS	= TOTAL
EXCALIBUR I, LLC 5410581103006799	5574.23	0.00	5574.23
TOTAL	5574.23	0.00	5574.23

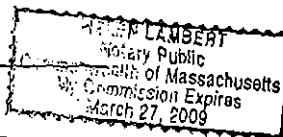
Affiant states that the amount shown above is true and correct and that there are no setoffs or counterclaims available to defendant(s). Further affiant sayeth not.

Subscribed and Sworn to Before me

7 day of March, 2003
[Signature]
Notary Public

[Signature]
Affiant

My Commission Expires:



Title

Reference #: 1445118
Account #: 5410581103006799

BAFF(11/02)IMN

Ex #1

EXHIBIT C

Electronic Case Snapshot Search

- HOME
- ON-LINE
CASE INFO
- FULL
CASE DOCKET
- CASE
SNAPSHOT
- COURT
CALL
- BLACK LINE
POOL
- UNCLAIMED
CHECKS

Select a Division by Division Name
 Select a Division (Civil Selected by Default)

Search by Case Number
 Four-digit year (YYYY) - Division (XX) or (X) - and Number (000000)
 Case Year: Division Code: Case Number:
 (YYYY) (XXXXXX)

Search by Name
 Plaintiff: ☒ Defendant: ☐
 Name:

Search by Filing Date
 Date Filed:
 (MM/DD/YYYY)

Search Results for Plaintiff Name: 'excalibur'

Case Number	Plaintiff	Defendant	Date Filed
1993-M1-127342	EXCALIBUR	MASSOLIA WILLIAM J	05/05/1993
2003-M1-155986	EXCALIBUR	KELLEY DALE	09/02/2003
2003-M1-155995	EXCALIBUR	DAVIS TONYA M	09/02/2003
2004-M1-160841	EXCALIBUR	WEINGART WILLIAM	09/16/2004
2004-M1-160842	EXCALIBUR	WALKER AISHA	09/16/2004
2003-M1-113931	EXCALIBUR 1 LLC	JOHNSON VERSIE	04/15/2003
2003-M1-116164	EXCALIBUR 1 LLC	LEE YOUNG	04/15/2003
2003-M1-124407	EXCALIBUR 1 LLC	JOHN HARDIN T	04/16/2003
2003-M1-129358	EXCALIBUR 1 LLC	HARRISON TERRI J	05/07/2003
2003-M1-129386	EXCALIBUR 1 LLC	WEXMAN TODD	05/07/2003

2003-M1-129458	EXCALIBUR I LLC	BECKER THOMAS R	05/07/2003
2003-M1-131469	EXCALIBUR I	BROWN LITITIA ANN	05/16/2003
2003-M1-141824	EXCALIBUR I	REYNOLDS CARNELLE	06/30/2003
2003-M1-146802	EXCALIBUR I	VARGAS JULIAN	07/24/2003
2003-M1-146845	EXCALIBUR I	KANE KENNETH W	07/24/2003
2003-M1-168793	EXCALIBUR I LLC	GARAY RICARDO	10/22/2003
2003-M1-119214	EXCALIBUR I LLC	FLOOD DAN	03/26/2003
2003-M1-119225	EXCALIBUR I LLC	JOHNSON ROBERT	03/26/2003
2003-M1-120998	EXCALIBUR I LLC	WOJTYRA JOHN	04/02/2003
2003-M1-121042	EXCALIBUR I LLC	BRIGUGLIO BENNY	04/02/2003
2003-M1-121046	EXCALIBUR I LLC	GAA MARY	04/02/2003
2003-M1-121051	EXCALIBUR I LLC	LEE DONNA T	04/02/2003
2003-M1-121815	EXCALIBUR I LLC	MARQUEZ A RICHARD	04/04/2003
2003-M1-121825	EXCALIBUR I LLC	BRUNER DORIS	04/04/2003
2003-M1-123695	EXCALIBUR I LLC	LOFTON JOHN	04/14/2003
2003-M1-125111	EXCALIBUR I LLC	MANUEL CARLITO Q	04/18/2003
2003-M1-125121	EXCALIBUR I LLC	DIXON LATECIA NEKO	04/18/2003
2003-M1-130624	EXCALIBUR I LLC	GUTHRIE ROBIN D	05/13/2003
2003-M1-134590	EXCALIBUR I LLC	ABURAS ABDUL	06/02/2003
2003-M1-137750	EXCALIBUR I LLC	PUMFORD GERALDINE	06/13/2003
2003-M1-137827	EXCALIBUR I LLC	NIKITAS MARGIT	06/13/2003
2003-M1-138575	EXCALIBUR I LLC	STRANGE JEAN R	06/17/2003

2003-M1-138661	EXCALIBUR I LLC	WOODALL LINDA M	06/17/2003
2003-M1-138752	EXCALIBUR I LLC	GIRON MARIA	06/17/2003
2003-M1-138761	EXCALIBUR I LLC	CABELLO IRMA	06/17/2003
2003-M1-143025	EXCALIBUR I LLC	WILLIS MARLENE	07/03/2003
2003-M1-143105	EXCALIBUR I LLC	GEORGIA GILL	07/03/2003
2003-M1-143139	EXCALIBUR I LLC	CLAUDE DONALD	07/03/2003
2003-M1-145239	EXCALIBUR I LLC	REZEQ ABDELHAMID J	07/16/2003
2003-M1-145335	EXCALIBUR I LLC	HALLIDAY JENNIFER	07/16/2003
2003-M1-145337	EXCALIBUR I LLC	SPROLES VICTOR JR	07/16/2003
2003-M1-145338	EXCALIBUR I LLC	VISTAN MARIA L	07/16/2003
2003-M1-146975	EXCALIBUR I LLC	BRIGGS JAN P	07/25/2003
2003-M1-148950	EXCALIBUR I LLC	BARR IDA	08/04/2003
2003-M1-148968	EXCALIBUR I LLC	NARUSZEWICZ MALGOR	08/04/2003
2003-M1-149024	EXCALIBUR I LLC	VILLA CARMEN L	08/04/2003
2003-M1-149191	EXCALIBUR I LLC	GARCELON JEAN M	08/04/2003
2003-M1-150408	EXCALIBUR I LLC	KOFAHY LILIBETH C	08/07/2003
2003-M1-152392	EXCALIBUR I LLC	ELROD MICHAEL D	08/18/2003
2003-M1-154108	EXCALIBUR I LLC	JAMES CHARLES E	08/25/2003
2003-M1-155522	EXCALIBUR I LLC	WALKER JOSEPH H	08/28/2003
2003-M1-157575	EXCALIBUR I LLC	SLOVINEC BONNIE	09/05/2003
2003-M1-157587	EXCALIBUR I LLC	BREWER VIVIAN	09/05/2003
	EXCALIBUR I		

2003-M1-157595	LLC	LEVIN LEAH	09/05/2003
2003-M1-158039	EXCALIBUR I LLC	GREEN HATTIYE	09/09/2003
2003-M1-158046	EXCALIBUR I LLC	LEVIN FERN D	09/09/2003
2003-M1-158051	EXCALIBUR I LLC	ROMANO ROCIO M	09/09/2003
2003-M1-158087	EXCALIBUR I LLC	CHESLOCK PAUL	09/09/2003
2003-M1-158127	EXCALIBUR I LLC	FRONTCHAK KAREN	09/09/2003
2003-M1-158213	EXCALIBUR I LLC	HARDEN CHERRY	09/09/2003
2003-M1-158214	EXCALIBUR I LLC	HOWARD SANDRA	09/09/2003
2003-M1-158915	EXCALIBUR I LLC	RIVERA ACIE	09/11/2003
2003-M1-159469	EXCALIBUR I LLC	GOLDEN CAROLYN S	09/15/2003
2003-M1-160798	EXCALIBUR I LLC	GARCIA JORGE	09/22/2003
2003-M1-161698	EXCALIBUR I LLC	COATS KELLY	09/24/2003
2003-M1-161912	EXCALIBUR I LLC	GONZALEZ JOSE L	09/25/2003
2003-M1-162312	EXCALIBUR I LLC	ORRICO LAURA M	09/29/2003
2003-M1-163212	EXCALIBUR I LLC	BUTLER CICERO II	10/01/2003
2003-M1-163222	EXCALIBUR I LLC	FINN DENNIS J	10/01/2003
2003-M1-164008	EXCALIBUR I LLC	TAIWO TAMYRA A	10/03/2003
2003-M1-164023	EXCALIBUR I LLC	GOBLE MARWIN	10/03/2003
2003-M1-164024	EXCALIBUR I LLC	JANKOWSKI MARIE	10/03/2003
2003-M1-164250	EXCALIBUR I LLC	WEDGE DOUGLAS J	10/03/2003
2003-M1-166528	EXCALIBUR I LLC	MURRAY ROB ALLAN	10/15/2003
2003-M1-166545	EXCALIBUR I LLC	MITCHAN WILLIAM T	10/15/2003

2003-M1-166806	EXCALIBUR I LLC	GELIN TERESA A	10/16/2003
2003-M1-167945	EXCALIBUR I LLC	MAN BRUCE S	10/21/2003
2003-M1-167962	EXCALIBUR I LLC	DIAZ GEORGE L	10/21/2003
2003-M1-167964	EXCALIBUR I LLC	GARCIA ERASMO	10/21/2003
2003-M1-167965	EXCALIBUR I LLC	CALI DEBORAH M	10/21/2003
2003-M1-167981	EXCALIBUR I LLC	KHAN IMRAN	10/21/2003
2003-M1-167989	EXCALIBUR I LLC	BRANN LAURA M	10/21/2003
2003-M1-167990	EXCALIBUR I LLC	GORDON TERRY	10/21/2003
2003-M1-168795	EXCALIBUR I LLC	HOWE THOMAS L	10/22/2003
2003-M1-168797	EXCALIBUR I LLC	BOSTON DAVID JAMES	10/22/2003
2003-M1-168819	EXCALIBUR I LLC	SCANLAND MARK L	10/22/2003
2003-M1-169125	EXCALIBUR I LLC	HEIN DONNA J	10/23/2003
2003-M1-169127	EXCALIBUR I LLC	THANOS TOM J	10/23/2003
2003-M1-169146	EXCALIBUR I LLC	THOMAS SHERMANN R	10/23/2003
2003-M1-169148	EXCALIBUR I LLC	CUTTLE YOLANDA D	10/23/2003
2003-M1-170085	EXCALIBUR I LLC	TAFOLLA GERARDO	10/29/2003
2003-M1-170107	EXCALIBUR I LLC	LOVE BRYANT D	10/29/2003
2003-M1-170160	EXCALIBUR I LLC	ORBE MONICA C	10/29/2003
2003-M1-170163	EXCALIBUR I LLC	CARROLL BRIAN G	10/29/2003
2003-M1-170164	EXCALIBUR I LLC	SCHERTZINGER JOAN	10/29/2003
2003-M1-170172	EXCALIBUR I LLC	ALIPRANDI JOHN A	10/29/2003
	EXCALIBUR I	MCNAMARA	

2003-M1-170189	LLC	JENNIFER	10/29/2003
2003-M1-170236	EXCALIBUR I LLC	HUSBAND LAKISHA D	10/29/2003
2003-M1-170237	EXCALIBUR I LLC	HIROTA KYONG O	10/29/2003
2003-M1-170241	EXCALIBUR I LLC	STEVENSON YVETTE M	10/29/2003
2003-M1-170245	EXCALIBUR I LLC	BRETANA BRENDA	10/29/2003
2003-M1-170292	EXCALIBUR I LLC	TUBBS EDNA SHAWNTA	10/29/2003
2003-M1-170799	EXCALIBUR I LLC	GONZALEZ DAVID	10/30/2003
2003-M1-170817	EXCALIBUR I LLC	MCGRW DARRELL G	10/30/2003
2003-M1-171022	EXCALIBUR I LLC	CONTRERAS SAUL JR	10/31/2003
2003-M1-171024	EXCALIBUR I LLC	BANDAS CHRISTINE M	10/31/2003
2003-M1-171039	EXCALIBUR I LLC	HOSSAIN MOHAMMAD S	10/31/2003
2003-M1-171041	EXCALIBUR I LLC	JOHNSON TERRI M	10/31/2003
2003-M1-171528	EXCALIBUR I LLC	GORMAN JOHN	11/03/2003
2003-M1-171882	EXCALIBUR I LLC	JONES LULA	11/04/2003
2003-M1-171892	EXCALIBUR I LLC	JONES ZONDRA JOHN	11/04/2003
2003-M1-171900	EXCALIBUR I LLC	DEFILIPPIS MICHELL	11/04/2003
2003-M1-172025	EXCALIBUR I LLC	SOWELL RODNEY L	11/04/2003
2003-M1-172434	EXCALIBUR I LLC	JACKSON TEXANNER	11/05/2003
2003-M1-174787	EXCALIBUR I LLC	LINCOLN WM J	11/18/2003
2003-M1-174790	EXCALIBUR I LLC	GARCIA SANTIAGO	11/18/2003
2003-M1-174817	EXCALIBUR I LLC	BENDICION BIENVENI	11/18/2003
2003-M1-174821	EXCALIBUR I LLC	COMERASAMY JERMEY	11/18/2003

2003-M1-175129	EXCALIBUR I LLC	ROBINSON SUSAN	11/18/2003
2003-M1-175130	EXCALIBUR I LLC	CROSS ROOSEVELT	11/18/2003
2003-M1-175491	EXCALIBUR I LLC	NANDAPREECHA SUPAS	11/20/2003
2003-M1-175595	EXCALIBUR I LLC	KOZIJ ANDREW	11/20/2003
2003-M1-175618	EXCALIBUR I LLC	SABBAH MOUNKEZ A	11/20/2003
2003-M1-175621	EXCALIBUR I LLC	JONES MICHAEL K	11/20/2003
2003-M1-177233	EXCALIBUR I LLC	KOUASSI ALBERT	11/25/2003
2003-M1-177240	EXCALIBUR I LLC	GREBENCHIKOV NICK	11/25/2003
2003-M1-177245	EXCALIBUR I LLC	SPRAGUE AUDREY A	11/25/2003
2003-M1-177402	EXCALIBUR I LLC	STOCKTON DAVID A	11/25/2003
2003-M1-177406	EXCALIBUR I LLC	BARROW JAMES	11/25/2003
2003-M1-177407	EXCALIBUR I LLC	HAYS ARTHUR D	11/25/2003
2003-M1-177409	EXCALIBUR I LLC	BATISTA MELISSA M	11/25/2003
2003-M1-177411	EXCALIBUR I LLC	GATOR EDMON J	11/25/2003
2003-M1-177429	EXCALIBUR I LLC	LEON STEVE	11/25/2003
2003-M1-177433	EXCALIBUR I LLC	JACKSON DEMETRA A	11/25/2003
2003-M1-177442	EXCALIBUR I LLC	SMITH DANIEL E	11/25/2003
2003-M1-177447	EXCALIBUR I LLC	HEYLIN PATRICK W	11/25/2003
2003-M1-177448	EXCALIBUR I LLC	ENOS DAN M	11/25/2003
2003-M1-177458	EXCALIBUR I LLC	ANTHONY EDDI K	11/25/2003
2003-M1-178847	EXCALIBUR I LLC	ASTUDILLO AURELIO	12/05/2003
	EXCALIBUR I	HORNBOSTEL	

2003-M1-179222	LLC	CANDACE	12/09/2003
2003-M1-179242	EXCALIBUR I LLC	OMERE FRANKLYN	12/09/2003
2003-M1-179248	EXCALIBUR I LLC	CANALES JOSE LEONE	12/09/2003
2003-M1-179261	EXCALIBUR I LLC	FURQAN SYED M	12/09/2003
2003-M1-179279	EXCALIBUR I LLC	REILLY TERRENCE	12/09/2003
2003-M1-179281	EXCALIBUR I LLC	ANDERSON NIAJA C	12/09/2003
2003-M1-179282	EXCALIBUR I LLC	LEDEZMA ROSARIO E	12/09/2003
2003-M1-179284	EXCALIBUR I LLC	OCAMPO SUSANA C	12/09/2003
2003-M1-179286	EXCALIBUR I LLC	SCHAFER EUGENE K	12/09/2003
2003-M1-179287	EXCALIBUR I LLC	LARKIN GLORIA M	12/09/2003
2003-M1-179676	EXCALIBUR I LLC	BLAND CECILE	12/09/2003
2003-M1-180329	EXCALIBUR I LLC	ZILL ROBERT A	12/11/2003
2003-M1-180334	EXCALIBUR I LLC	AUSTIN BERNITA	12/11/2003
2003-M1-181099	EXCALIBUR I LLC	ADAIR STEVEN	12/16/2003
2003-M1-182933	EXCALIBUR I LLC	GRIPPER CHRISTIAN	12/26/2003
2003-M1-182963	EXCALIBUR I LLC	LOUIE JARNARD TRE	12/26/2003
2003-M1-183010	EXCALIBUR I LLC	BROWN KARY S	12/26/2003
2003-M1-183016	EXCALIBUR I LLC	QIU FENG	12/26/2003
2003-M1-183897	EXCALIBUR I LLC	HOWARD ANITA	12/31/2003
2004-M1-100051	EXCALIBUR I LLC	WILLIAMS HOWARD L	01/02/2004
2004-M1-100092	EXCALIBUR I LLC	PROPER LAUREL A	01/02/2004
2004-M1-100625	EXCALIBUR I LLC	VOLANTE MARINA A	01/06/2004

2004-M1-100626	EXCALIBUR I LLC	APPLEWHITE ANESHIA	01/06/2004
2004-M1-100639	EXCALIBUR I LLC	OAKLEY LILLIAN M	01/06/2004
2004-M1-100645	EXCALIBUR I LLC	BIERNACKI MARK E	01/06/2004
2004-M1-101873	EXCALIBUR I LLC	HIGAREDA FRANCISCO	01/13/2004
2004-M1-101882	EXCALIBUR I LLC	LIN ROBIN	01/13/2004
2004-M1-102005	EXCALIBUR I LLC	SUH YOUNG	01/13/2004
2004-M1-103613	EXCALIBUR I LLC	ELIA VINCENT	01/22/2004
2004-M1-103647	EXCALIBUR I LLC	MORDKA DAVID	01/22/2004
2004-M1-103656	EXCALIBUR I LLC	LEE RONALD	01/22/2004
2004-M1-103664	EXCALIBUR I LLC	NOCCHI ANGELIQUE J	01/22/2004
2004-M1-103665	EXCALIBUR I LLC	LOBO GEORGE M	01/22/2004
2004-M1-103690	EXCALIBUR I LLC	SPELLMAN ERICKA	01/22/2004
2004-M1-103691	EXCALIBUR I LLC	RHODES CLAUDE J	01/22/2004
2004-M1-103692	EXCALIBUR I LLC	SMITH SHAVALLE S	01/22/2004
2004-M1-103693	EXCALIBUR I LLC	JONKE TINA LYNN	01/22/2004
2004-M1-103695	EXCALIBUR I LLC	WHITE PRESTON	01/22/2004
2004-M1-103702	EXCALIBUR I LLC	DORCY ERLINE	01/22/2004
2004-M1-103720	EXCALIBUR I LLC	WILKES CAROL	01/22/2004
2004-M1-103724	EXCALIBUR I LLC	KARAMANIS T	01/22/2004
2004-M1-103738	EXCALIBUR I LLC	CONNOLLY JOSEPH B	01/22/2004
2004-M1-103744	EXCALIBUR I LLC	TURNER RENETTA	01/22/2004
	EXCALIBUR I		

2004-M1-103752	LLC	MIGAWA PAMELA	01/22/2004
2004-M1-103792	EXCALIBUR I LLC	AHMED ZIA K	01/22/2004
2004-M1-104989	EXCALIBUR I LLC	GATES CARLTON K	01/27/2004
2004-M1-104990	EXCALIBUR I LLC	JOHNSON INGRA	01/27/2004
2004-M1-108129	EXCALIBUR I LLC	KALLAS TRACI ANN	02/10/2004
2004-M1-108825	EXCALIBUR I LLC	KOSINSKI ELIZABETH	02/13/2004
2004-M1-108981	EXCALIBUR I LLC	CHIOCHIOS JAMES W	02/17/2004
2004-M1-109016	EXCALIBUR I LLC	CONROY VICKI	02/17/2004
2004-M1-109067	EXCALIBUR I LLC	MATSON DAVID C	02/17/2004
2004-M1-109071	EXCALIBUR I LLC	HOWARD VIOLA	02/17/2004
2004-M1-109073	EXCALIBUR I LLC	ARMAN AZMIY	02/17/2004
2004-M1-110386	EXCALIBUR I LLC	SANCHEZ DENISE	02/20/2004
2004-M1-110400	EXCALIBUR I LLC	STOKES ELIZABETH C	02/20/2004
2004-M1-114040	EXCALIBUR I LLC	FRAZIER MICHAEL C	03/08/2004
2004-M1-115142	EXCALIBUR I LLC	PEREZ PETER EDWARD	03/11/2004
2004-M1-116381	EXCALIBUR I LLC	GRENDAHL CHERYL A	03/18/2004
2004-M1-117344	EXCALIBUR I LLC	GEORGE JO E	03/22/2004
2004-M1-118025	EXCALIBUR I LLC	HERNANDEZ CECILE B	03/26/2004
2004-M1-121476	EXCALIBUR I LLC	WILLIAMS YOLANDA M	04/08/2004
2004-M1-121624	EXCALIBUR I LLC	GIANNAKOPOULOS GEO	04/08/2004
2004-M1-122111	EXCALIBUR I LLC	REMIGIO PERLA O	04/12/2004
2004-M1-124407	EXCALIBUR I LLC	MARTIN RADEANA AA	04/21/2004

2004-M1-125893	EXCALIBUR I LLC	ROMERO FRANCISCO	04/28/2004
2004-M1-129101	EXCALIBUR I LLC	PAYNE FELICIA M	05/10/2004
2004-M1-129143	EXCALIBUR I LLC	HENDERSON AUDREY	05/10/2004
2004-M1-130310	EXCALIBUR I LLC	JONES NORMA	05/17/2004
2004-M1-130425	EXCALIBUR I LLC	SEBASTIAN CARRIE A	05/17/2004
2004-M1-130433	EXCALIBUR I LLC	PIZZO RUSSELL J	05/17/2004
2004-M1-133869	EXCALIBUR I LLC	TYEPTANAR JOSEPH T	06/02/2004
2004-M1-140053	EXCALIBUR I LLC	GORDON BRENDA L	06/29/2004
2004-M1-141800	EXCALIBUR I LLC	DIAZ OSCAR	07/07/2004
2004-M1-145872	EXCALIBUR I LLC	STURT CYNTHIA L	07/22/2004
2004-M1-152304	EXCALIBUR I LLC	COOPER TYRONE	08/16/2004
2004-M1-154694	EXCALIBUR I LLC	JOHNSON SHARON L	08/26/2004
2004-M1-158068	EXCALIBUR I LLC	JOHNSON GEORGE L	09/08/2004
2003-M1-130746	EXCALIBUR I, LLC	DUDA JACQUELINE	05/13/2003
2003-M1-130747	EXCALIBUR I, LLC	CORNELL LISA M	05/13/2003
2003-M1-149084	EXCALIBUR I, LLC	OTT ROBERT L	08/04/2003
2004-M1-152423	EXCALIBUR II	TREADWELL LEONARD	08/17/2004
2004-M1-160828	EXCALIBUR II	SLATER LOIS SR	09/16/2004
2003-M1-183887	EXCALIBUR II LLC	PALUMBO JOSEPH P	12/31/2003
2004-M1-101150	EXCALIBUR II LLC	HARSHAW ATHENA P	01/08/2004
2004-M1-110815	EXCALIBUR II LLC	SYKES ANASTASIA	02/23/2004
	EXCALIBUR		

EXHIBIT D

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Marion Star (Marion, OH)

September 15, 2004 Wednesday

SECTION: Pg. 3A

LENGTH: 472 words

HEADLINE: BRIEF

BODY:

Rose Avenue to close for sewer repairs

MARION -- The Marion City Engineer's Office will close Rose Avenue, south of Silver Street, this week for sewer repairs. The street closes 7 a.m. Thursday through 3 p.m. Friday.

MAVRIC seeks humanitarian nominees

MARION -- The Marion Area Volunteer Referral and Information Center (MAVRIC) is seeking nominations for its 2004 Humanitarian Award.

Nominees must have volunteered their services to the Marion community through service projects, working with service agencies or volunteering their time in service organizations.

The deadline for submitting nominations is Sept. 30, 2004. Nomination forms are available at the MAVRIC office located in Union Station at 525 W. Center St. You can also find the office between 10 a.m. and 2 p.m. weekdays at 740-383-3768.

Interested individuals may also check out the MAVRIC Web site at www.marionvolunteers.com

Car, motorcycle show at Elgin on Oct. 23

MARION -- One of the last opportunities to enjoy an autumn event is the Fall Festival Classic Car and Motorcycle Show slated for 12-6 p.m., Saturday, Oct. 23, at Elgin High School. Sponsored by the Elgin Energizers Show Choir, the event promises to be a great day of fun featuring a classic car and motorcycle show, games and food.

Registration of classic cars or motorcycles takes place the day of the festival at a cost of \$5 per entry. There will be 25 car prizes and 3 motorcycle prizes given away.

A dinner and Fall Festival Concert will be held after the event. Dinner tickets are \$8 per person and include the Fall Festival Concert.

The Fall Festival Concert showcases the Elgin Treble and Bass Clef Clubs, Elgin Energizers and Elgin Kids Show Choir Camp participants. Concert tickets alone are \$4 per person.

For additional information about the Fall Festival Classic Car and Motorcycle Show or to purchase tickets for the dinner and concert, call Elgin High School at 740-383-5118.

Judge erases woman's credit card debt

CLEVELAND (AP) -- A judge wiped out a woman's credit card debt, angrily ruling that Discover Card was exploiting the woman by piling on fees.

In a six-year period, beginning in 1997, Ruth Owens paid \$3,492 on her \$1,895 debt with added fees and finance charges. She was still left with a \$5,564 balance owed on the account.


Marion Star (Marion, OH) September 15, 2004 Wednesday

Discover Card sued Owens for breach of contract, but Cleveland Municipal **Judge** Robert Triozzi ruled against the company last week.

"This court is all too aware of the widespread financial exploitation of the urban poor by overbearing **credit-card** companies," Triozzi wrote in his decision. "Defendant has clearly been the victim of plaintiff's unreasonable, unconscionable and unjust business practice."

Discover Financial Services spokeswoman Beth Metzler declined to comment on the **judge's** decision.

LOAD-DATE: September 17, 2004



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

JUDGE NORGLÉ

04C 7304

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

MAGISTRATE JUDGE ASHMAN

Plaintiff(s): CARMEN L. VILLA

Defendant(s): EXCALIBUR I, LLC

County of Residence: COOK

County of Residence:

Plaintiff's Atty: Daniel A. Edelman
Edelman, Combs, Lattuner &
Goodwin, LLC
120 South LaSalle Street, 18th
Floor, Chicago, IL 60603
(312) 739-4200

Defendant's Atty:

NOV 12 2004

FILED-EDM
2004 NOV 10 PM 4:33
U.S. DISTRICT COURT
CLERK

II. Basis of Jurisdiction: **3. Federal Question (U.S. not a party)**

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff:- N/A
Defendant:- N/A

IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **890 Other Statutory Actions**

VI. Cause of Action: **Violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA")**

VII. Requested in Complaint

Class Action: Yes
Dollar Demand:
Jury Demand: Yes

VIII. This case IS NOT a refiling of a previously dismissed case.

Signature:

Date:

11-10-04

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, print this form, sign and date it and submit it with your new civil action. **Note: You may need to adjust the font size**

1-2

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS

CARMEN L. VILLA vs. EXCALIBUR I, LLC

DOCKETED

NOV 12 2004

FILED-ED4

2004 NOV 10 PM 4:33

Case Number

04C 7304

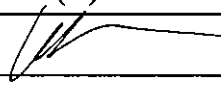
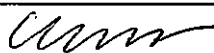
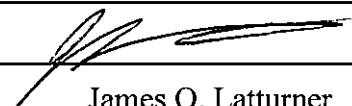
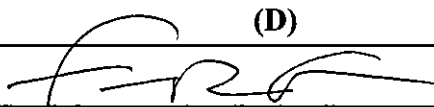
CLERK

U.S. DISTRICT COURT

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR JUDGE NORGLE

Plaintiff

MAGISTRATE JUDGE ASHMAN

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Daniel A. Edelman		NAME Cathleen M. Combs	
FIRM Edelman, Combs, Lattuner & Goodwin, LLC		FIRM Edelman, Combs, Lattuner & Goodwin, LLC	
STREET ADDRESS 120 S. LaSalle Street, 18th Floor		STREET ADDRESS 120 S. LaSalle Street, 18th Floor	
CITY/STATE/ZIP Chicago, Illinois 60603		CITY/STATE/ZIP Chicago, Illinois 60603	
TELEPHONE NUMBER (312) 739-4200		TELEPHONE NUMBER (312) 793-4200	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 00712094		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 00472840	
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
(C)		(D)	
SIGNATURE 		SIGNATURE 	
NAME James O. Lattuner		NAME Francis R. Greene	
FIRM Edelman, Combs, Lattuner & Goodwin, LLC		FIRM Edelman, Combs, Lattuner & Goodwin, LLC	
STREET ADDRESS 120 S. LaSalle Street, 18th Floor		STREET ADDRESS 120 S. LaSalle Street, 18th Floor	
CITY/STATE/ZIP Chicago, Illinois 60603		CITY/STATE/ZIP Chicago, Illinois 60603	
TELEPHONE NUMBER (312) 739-4200		TELEPHONE NUMBER (312) 739-4200	
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

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